

On May 13, 1931, no claim having been interposed for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18324. Misbranding of Quinseptikons. U. S. v. 2½ Dozen Boxes, et al., of Quinseptikons. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26328, 26329. I. S. Nos. 29893, 29899. S. Nos. 4621, 4643.)

Examination of a drug product, known as Quinseptikons, from the shipments herein described having shown that the circular accompanying the article contained statements representing that the said article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On May 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 20½ dozen boxes of the said Quinseptikons, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Tablax Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., in various consignments, on or about March 20, March 27, and April 17, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of suppositories containing 0.9 per cent salicylic acid, boric acid (13.5 per cent, quinine hydrochloride (5.3 per cent), and theobroma oil.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the circular, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Prophylactic * * * Quinseptikons are highly recommended by physicians as a preventive against infection, and for the treatment of vaginal diseases and conditions such as Leucorrhea, Vaginitis, * * * Inflammation, pain and tenderness. Also a prophylactic against venereal disease, and whenever their need may otherwise be indicated. * * * Directions * * * In Leucorrhea, Vaginitis and all conditions accompanied by discharges of any nature, insert one * * * at bedtime and one on arising. As a prophylactic against venereal infection, insert a * * * few minutes before sexual congress."

On May 25, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR H. HYDE, *Secretary of Agriculture.*

18325. Misbranding of Dr. Pirtle's Germ-Oil. U. S. v. 84 Bottles of Dr. Pirtle's Germ Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25756. I. S. No. 8161. S. No. 3949.)

Examination of samples of a drug product, known as Dr. Pirtle's Germ Oil, from the shipment herein described having shown that the bottle label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On January 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 84 bottles of Dr. Pirtle's Germ-Oil at Memphis, Tenn., alleging that the article had been shipped by the Germ-Oil Co., from Jonestown, Miss., on or about November 15, 1929, and had been transported from the State of Mississippi into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a nonvolatile oil, turpentine oil, and sulphur.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects

claimed: (Bottle) "Germ-Oil the Great Remedy for the Kidneys, Bladder and Stomach Troubles * * * remedies for old sores * * * For all pains about the body, Backache, Side-pleurisy * * * Toothache, Headache or any Neuralgia or Rheumatic Pains;" (large circular in carton containing 1 dozen bottles) "Directions For Rheumatism and Neuralgia * * * For Backache, Kidneys, Bladder * * * Blood Purifier * * * Sore on Man or Beast * * * For Worms * * * For Coughs * * * For Stomach Troubles * * * For Toothache, Headache, Earache or any Pain about the Head or Neck * * * For Private Disease or Lost Manhood;" (small circular in carton containing 1 dozen bottles) "Rheumatism."

On May 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18326. Misbranding of Athlophoros. U. S. v. 2 Dozen Bottles of Athlophoros. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25542. I. S. No. 11665. S. No. 3792.)

Examination of a drug product, known as Athlophoros, having shown that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Northern District of California the shipment herein described, involving a quantity of the product located at San Francisco, Calif.

On December 31, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2 dozen bottles of Athlophoros, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Athlophoros Co., from Pomfret Center, Conn., alleging that the article had been shipped from Pomfret Center, Conn., on or about March 18, 1930, and had been transported from the State of Connecticut into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate (14.5 grams per 100 milliliters), colchicine, glycerin, sugar, and water.

It was alleged in the libel that the article was misbranded under section 7, paragraph 3, of the act as amended August 23, 1912, in that the following were statements regarding the curative or therapeutic effects of the said article: (Carton) "Remedy for Rheumatism, and, when arising from a Rheumatic condition, Neuralgia, Sciatica, Lumbago, Gout, Sick Headache;" (circular) "This remedy goes to the root of the Disease. It operates on the blood, muscles and joints. It expels the uric acid from the system; it invigorates the action of the muscles and limbers the stiffness of the joints. It reaches the Kidneys, cleansing them from uric acid. * * * The size of the dose and the manner of taking Athlophoros is governed by the character and intensity of the disease and the patient. * * * Diet—In cases of Acute Rheumatism * * * Persons afflicted with Chronic Rheumatism or Gout, who wish permanent relief should send to us for our Dietary, * * * For Acute or Inflammatory Rheumatism and Sciatica—Take two teaspoonfuls of Athlophoros * * * After the acute symptoms have disappeared, continue the use of Athlophoros for at least two weeks, * * * For Chronic Rheumatism—Where acute pain is not present, * * * until the symptoms disappear. For Neuralgia—When suffering intense pain, two teaspoonfuls * * * until relieved; * * * For Muscular Rheumatism and Lumbago * * * For Acute Inflammation of the Joints * * * For Chronic Rheumatism of the Joints * * * For Rheumatic Gout * * * For Rheumatism of the Heart (so called) * * * To Mothers—Athlophoros may be used during nursing. During pregnancy reduce dose as follows: * * * Chronic and Complicated cases—From the time Athlophoros was first offered to the public, we have solicited from those who have used it, frank statements of their experience with the remedy, and we have received many thousand letters bearing grateful testimony to its wonderful curative powers;" (bottle) "Remedy for Rheumatism, and, when arising from a Rheumatic condition, Neuralgia, Sciatica, Lumbago, Gout, Sick Headache."

The charge recommended by this department was that the article was misbranded under section 8 of the act as amended, paragraph 3, in that the state-